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CITY OF SUNNYVALE,  
CHRIS SEARLE and DARREN PANG

UNITED STATE DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERIKA CANAS, JOSE CANAS, a minor, by  
and through his guardian ad litem, and JESUS  
CANAS, by and through his guardian ad litem,

Plaintiffs,

vs.

CITY OF SUNNYVALE, CHRIS SEARLE,  
DARREN PANG and DOES ONE through  
TWENTY-FIVE,

Defendants.

Case No.: C08-03598 RMW

**[PROPOSED] ORDER GRANTING  
DEFENDANTS CITY OF SUNNYVALE,  
CHRIS SEARLE AND DARREN PANG'S  
MOTION TO DISMISS PLAINTIFFS'  
COMPLAINT [FRCP RULE 12(b)]**

Defendants City of Sunnyvale, Chris Searle and Darren Pang's motion to dismiss the complaint of plaintiffs Erika Canas, Jose Emmanuel Canas, a minor, and Jesus Canas, a minor, came on regularly for hearing on September 26, 2008, before the Honorable Ronald M. Whyte. James Roberts appeared on behalf of plaintiffs and Gregory M. Fox appeared on behalf of defendants.

The Court, having considered all the papers and pleadings on file herein and the oral argument of counsel, HEREBY ORDERS THAT:

Defendants City of Sunnyvale, Chris Searle and Darren Pang's motion to dismiss plaintiffs' complaint is GRANTED.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE

1 I, Jan Taheny declare that:

2 I am employed in the County of San Francisco, California; I am over the age of eighteen years  
3 and not a party to the within cause; and my business address is 2749 Hyde Street, San Francisco,  
4 California 94109.

5 I am readily familiar with the practice of Bertrand, Fox, & Elliot for the processing of  
6 correspondence, said practice being that in the ordinary course of business, correspondence is  
7 deposited in the United States Postal Service the same day as it is placed for processing.

8 On **July 31, 2008**, I served the following document(s):

9 **[PROPOSED] ORDER GRANTING DEFENDANTS CITY OF SUNNYVALE, CHRIS**  
10 **SEARLE AND DARREN PANG'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT**  
11 **FRCP 12(b)(6)**

12 in said cause, on the following interested parties:

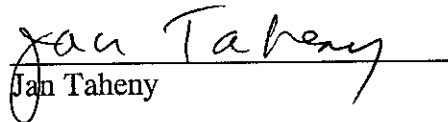
13 James Roberts, Esq.  
14 Roberts & Elliott LLP  
15 Ten Almaden Blvd., Suite 500  
San Jose, CA 95113  
Fax: (408) 287-3782

*Attorney for Plaintiffs*

16 Said service was performed in the following manner:

17 **( X ) BY U.S. POSTAL SERVICE (Mail):** I placed each such document in a sealed envelope  
18 addressed at noted above, with first-class mail postage thereon fully prepaid, for collection and  
19 mailing at San Francisco, California, following the above-stated business practice, on this date.

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct. Executed **July 31, 2008**, at San Francisco, California.

22   
23 Jan Taheny